

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Tarus Cummings,

Plaintiff,

v.

NC Financial Solutions of South Carolina,  
*Registered Agent CT Corporation System,*

Defendant.

C/A No. 3:22-cv-2430-SAL

**ORDER**

*Pro se* plaintiff Tarus Cummings (“Plaintiff”) filed this action in state court against NC Financial Solutions of South Carolina (“Defendant”). Defendant removed the action to this court because Plaintiff’s claims were based in federal law. This matter is before the court for review of the November 30, 2022, Report and Recommendation of Magistrate Judge Shiva V. Hodges (the “Report”), ECF No. 30, recommending the court dismiss this action for failure to prosecute, or, in the alternative, grant Defendant’s motion to compel arbitration, ECF No. 19. Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 6. Petitioner has not filed objections, and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the

Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4<sup>th</sup> Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 30, and incorporates the Report by reference herein. Accordingly, this action is **DISMISSED** for failure to prosecute pursuant to Fed. R. Civ. P. 41(b), and Defendant’s motion to dismiss, ECF No. 18, and motion to compel arbitration, ECF No. 19, are terminated as **MOOT**.

**IT IS SO ORDERED.**

February 15, 2023  
Columbia, South Carolina

s/ Sherri A. Lydon  
United States District Judge